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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/829,800 | 04/10/2001 | Bernadette McGee | 1148 | 1902 |

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KIRSCHSTEIN, OTTINGER, ISRAEL
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NEW YORK, NY 10017

EXAMINER


KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|---|
| Office Action Summary | Application No. 09/829,800 | Applicant(s) INDENCE, BERNADETTE | |
| | Examiner James A. Kramer | Art Unit 3627 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 5/6/04 *
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al. in view of Gottsman et al.

Ford et al. teaches an active calendar system which automatically performs various user-defined tasks appropriate to calendar events. As one example, the calendar may analyze a user's calendar entries, search various sources for information related to the user's entries, filter the search results and link the filtered information to the calendar entry, thereby aiding the user in his/her calendar activity (column 6; lines 20-27).

Ford et al. further teaches an engine that monitors the user's original entry and subsequent updates of the calendar entries. On an appropriate basis or schedule, the engine automatically initiates actions appropriate to the corresponding calendar entry. Chiefly, such actions involve sending machine-readable messages in support of the calendar entry. The actions, such as message sending, may be performed immediately, periodically, whenever a new entry is added or an existing entry updated or according to another schedule (column 7; lines 23-31).

Ford et al. further teaches an action dispatcher called by the calendar engine to trigger certain actions by a search broker. The search broker conducts information searches using

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various sources available to the computer. For example, information searches may target local file systems, database, other calendar, the Internet, etc. Based upon the information in the calendar entry, the search broker decides where to search and what to search for (column 7; lines 44-51).

Examiner references Tables 1 and 2 found in column 9. Table 1 provides a list of example Event Categories. Examiner specifically references the "Shopping" event. Table 2 represents examples of subcategories for each event. Examiner once again references the "Shopping" event and the subcategories of Date and Time, Items Sought, and Shopping Venue. Examiner notes that these examples in light of the teachings of Ford et al. include an user enter for a calendar date (i.e. a birthday, an anniversary) a shopping event. The user would then select the subcategories for that event (i.e. the date and time to shop for the event, the items sought and a particular venue, if the users has one in mind). The system, would then search the Internet for information relevant to that shopping event based on those subcategories and provide the user with hyperlinks based on relevant information found form the search (i.e. suppliers of the item sought). Based on all the teachings of Ford et al. the search broker clearly searches and provides information prior to the actual active calendar event date (e.g. column 7; lines 23-31, described above).

Examiner finally notes that Ford et al. teaches the calendar program based on an application such as Lotus Organizer program by IBM. Examiner notes that one of ordinary skill in the art at the time the invention was made would recognize that a calendar program such as Lotus Organizer would include reminder dates and the appropriate functionality to remind/advise

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a user how much time remains before an event date is reached, as this technology is old and well known in the art.

Ford et al. does not teach capturing reader data encoded in machine-readable indicia scanned and read by an electro-optical reader. Gottsman et al. teaches a system for web-based comparison shopping where a user scans a UPC bar code from a product on interest and the service routine queries the Web to find relevant information (see abstract). This is done to simplify the product input information as well as ensuring accuracy.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Ford et al. to include a bar code scanner for inputting subcategory information on product caught as taught by Gottsman et al. One of ordinary skill in the art would have been motivated to combine the references in order to simplify the product input information as well as ensuring accuracy.

Response to Arguments

Applicant's arguments with respect to claims 30-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

JAK

Handwritten signature 8/2/04
Primary Examiner